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March 18, 2019

VIA ECF

The Honorable Debra Freeman  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007

Given that the two cases are related (even if not consolidated), this Court will hold an initial pretrial conference in both cases on the same date. The conference, though, is adjourned to 4/23/19, at 10:00 am. The parties' Rule 26 (f) reports shall be submitted by 4/16/19.

The Clerk of court is directed to docket this order in both 18cv10741 and 18cv10016.

SO ORDERED: DATE: 3/20/19

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DEBRA FREEMAN  
UNITED STATES MAGISTRATE JUDGE

Re: ***Brandon Sanders v. Checkr, Inc.,***  
**Civil Action No.: 1:18-cv-10741 (S.D.N.Y.)**  
**Request Under Rule I(B) For Adjournment of Initial Conference – On Consent**

Dear Judge Freeman:

This firm represents Checkr, Inc. ("Checkr") in the above referenced matter. In accordance with Rule I(B) of Your Honor's Individual Practice Rules, Checkr submits this Letter-Motion, on consent, seeking an adjournment of the Initial Conference currently scheduled for March 26, 2019 at 11:00 a.m. In support of its request, Checkr states the following:

1. The Initial Conference is currently scheduled for March 26, 2019 at 11:00 a.m.;
2. There have been no previous requests to adjourn the Conference;
3. No party will be prejudiced by this request; and
4. Plaintiff's counsel consents to this request.<sup>1</sup>

In consideration of the foregoing, Checkr respectfully requests that the Initial Conference be scheduled for April 9, 2019 or any day during the week of April 15, 2019.

In addition, the Scheduling Order that was filed on March 14, 2019 includes a double-caption for this case and for a separate case filed by Plaintiff against Defendant Makespace Labs, Inc. (see Case No. 1:18-cv-10016-ALC-DCF). The Scheduling Order was not filed on the docket in the case against Checkr and Checkr's counsel only received notice of the Conference from Plaintiff's

<sup>1</sup> Counsel for Checkr did not consult with counsel for Makespace regarding the adjournment request because Makespace is not a party to the action filed against Checkr.

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colleague. While Checkr appreciates that the Court may prefer to hold the Initial Conference for both cases on the same day, Checkr respectfully wishes to clarify for the record that while the two cases have been marked on the docket as "related," they have not been consolidated. Moreover, Checkr continues to oppose consolidation of these cases. Checkr's position was outlined in the February 21, 2019 Status Report (Dkt. No. 22) filed by counsel for Plaintiff and Makespace. Checkr understands that Makespace's request to consolidate the two matters was withdrawn and Makespace has now filed an Answer in the case against it. Therefore, to the extent it is appropriate, Checkr requests that its Initial Conference be held separately from the Initial Conference for Makespace and Plaintiff.

Checkr also respectfully reserves its right to oppose any future request for consolidation by any party in the case filed against Makespace.

We thank Your Honor for your consideration of this matter.

Respectfully submitted,

/s/ Amanda Lyn Genovese

Amanda Lyn Genovese

cc: All counsel of record (via ECF)